

Town of Lyme  
February 10, 2016  
Regular Monthly Meeting of the Town Board  
6:30 P.M.

Supervisor Aubertine called tonight's meeting to order at 6:30 p.m. and opened with a Prayer and the Pledge of Allegiance.

Present at tonight's meeting: Supervisor Aubertine, Councilman Bourquin and Councilwoman Gosier, County Legislator William Johnson, Assessors Roz Gotham and Marsha Barton and 2 others.

**Jefferson County Legislator William Johnson:** Once again approached the Town Board with the possibility of locating an emergency radio tower within the Town. Mr. Johnson would like to tentatively move forward with the project and he would ask that the Town "firm up" the location. The County would like to start the project in the spring of 2016.

The lot size would be approximately 100 feet x 100 feet and an easement would be required for ingress and egress to the tower. The towers location would be secured with a fence and surveillance.

Mr. Johnson expressed the importance and critical nature of locating a tower in the proximity being contemplated for placement.

The Town will establish a location for the tower and maintain setbacks of at least 200 feet away from buildings, roadways and any other areas of concern. The next step will be to have surveyors pin the lot lines.

***RESOLUTION 2016 – 19: Motion was offered by Councilwoman Gosier and seconded by Councilman Bourquin, to wit:***

***WHEREAS, the Town Board of the Town of Lyme has received a request from Jefferson County to acquire a parcel of land approximately 100 feet x 100 feet with access to utilities and a road from the Town for the purposes of constructing a County Radio Tower on Town property as is shown more clearly***

***on Exhibit "A" hereto which property is located off of NYS Route 12E and is part of Town of Lyme, Tax Map Parcel #61.07-1-4.31; and***

***WHEREAS, this portion of the Town property is not needed for any public purpose by the Town and is there deemed to be surplus property; and***

***WHEREAS, the Town Board wishes to free such area for the purpose of transfer to Jefferson County for this purpose,***

***NOW THEREFORE, BE IT RESOLVED that a 100 foot x 100 foot portion of Town of Lyme Tax Map Parcel #61.07-1-4.31 as shown on Exhibit "A" hereto is declared to be surplus and available for transfer:***

***IT IS FURTHER RESOLVED that this Resolution is subject to permissive referendum and the Town Clerk is directed to publish a notice in the official newspaper of the Town indicating the passing of this Resolution, subject to permissive referendum, and it is hereby***

***RESOLVED that this Resolution shall become effective thirty (30) days after publication in the newspaper unless a permissive referendum is requested in which event it shall become effective only after approval at referendum.***

***BY ORDER OF THE TOWN BOARD OF THE TOWN OF LYME.***

<b><i>Supervisor Aubertine</i></b>	<b><i>Aye</i></b>
<b><i>Councilwoman Gosier</i></b>	<b><i>Aye</i></b>
<b><i>Councilman Bourquin</i></b>	<b><i>Aye</i></b>

***Three ayes. Motion carried.***

**Supervisor Aubertine** requested anything the County could do to help offset the costs of the new radios would be appreciated.

Mr. Johnson said that he has had that in mind.

## **Solar Power Consortium**

**BOCES** Executive Director, John Warneck put together the idea of school districts and municipalities taking a look into solar farms.

A feasibility study would determine the best options for the installation of solar arrays on school and municipal property.

A minimum of 10 acres would be required for the project. If the Town of Lyme donated the land there is a possibility we could generate income for the use of the property.

Further information on the project will be discussed at a meeting to be held in Cape Vincent on March 3<sup>rd</sup>, 2016 at 7:00 p.m.

***RESOLUTION 2016 – 20: Motion by Councilwoman Gosier and seconded by Councilman Bourquin approving a letter to John Warneck, the Executive Director of BOCES indicating the Town of Lyme’s interest in the Tri-County Solar Power Energy Consortium. Three ayes. Motion carried.***

## **Officer’s Reports**

***RESOLUTION 2016 – 21: Motion by Councilman Bourquin and seconded by Councilwoman Gosier approving the January 2016 Supervisor’s Report as submitted by Town Accountant Cathy Satterley of Bowers and Company. Three ayes. Motion carried.***

***RESOLUTION 2016 – 22: Motion by Councilman Bourquin and seconded by Councilwoman Gosier approving the Shared Services Agreement between the NYS Department of Transportation and the Town of Lyme as follows:***

***THIS AGREEMENT, dated February 10, 2016, between the People of the State of New York, hereinafter referred to as “State” or “NYSDOT” and the Town of Lyme, New York, hereafter referred to as “Municipality.” Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal Roads and Highways and provide***

***a cost savings by maximizing the effective utilization of both parties' resources. The State and the Municipality agree to share services as follows:***

- 1. Description and Cost of Services, Materials or Equipment to be shared for any undeclared Emergency Events. Costs to be determined at a later date. The total amount of the agreement shall not exceed ten thousand dollars (\$10,000.00).***
- 2. The Provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary, insurance, benefits and Workers Compensation.***
- 3. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use they shall be responsible for such repairs.***
- 4. The Municipality agrees to indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement.***
- 5. The term of this Agreement shall be for one (1) year. The parties will endeavor to provide no less than thirty (30) days' notice of its intent to extend the Agreement. Either party may revoke this Agreement, with or without cause, by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.***

<b><i>Supervisor Aubertine</i></b>	<b><i>Aye</i></b>
<b><i>Councilwoman Gosier</i></b>	<b><i>Aye</i></b>
<b><i>Councilman Bourquin</i></b>	<b><i>Aye</i></b>

***Three ayes. Motion carried.***

## **Clerk's Report – January 2016**

Total State, County and Local Shares Remitted: \$1108.26

Total Local Shares Remitted: \$967.43

***RESOLUTION 2016 – 23: Motion by Councilman Bourquin and seconded by Councilwoman Gosier approving Abstract #3 in the amount of \$12,648.26. Three ayes. Motion carried.***

***RESOLUTION 2016 – 24: Motion by Councilman Bourquin and seconded by Councilwoman Gosier approving Abstract #4 in the amount of \$75,172.77. Three ayes. Motion carried.***

### **Approval of the Minutes**

***RESOLUTION 2016 – 25: Motion by Councilman Bourquin and seconded by Councilwoman Gosier approving the Minutes of the 2016 Organizational Meeting of the Town Board as submitted by Clerk Wallace. Three ayes. Motion carried.***

***RESOLUTION 2016 – 26: Motion by Councilman Bourquin and seconded by Councilwoman Gosier approving the January 13, 2016 Regular Monthly Meeting Minutes of the Town Board as submitted by Clerk Wallace. Three ayes. Motion carried.***

### **Committee Reports**

#### **Assessor's Report – Marsha Barton**

**Equalization Rate** – The Assessors have received the PDC Report for 2016. The report shows the Residential Assessment Ratio at 96.46 percent. The Assessors have to provide the State with what they feel, the Town's "Level of Assessment" is. With the Town being within 5% of the RAR, it could be stated that the Town's Level of Assessment is 100%. The State will then, make the Town's "Level of Assessment" as the Equalization Rate for the year. Marsha has sent the

paperwork in stating the Town is at 100%, so the Equalization Rate for 2016 will remain at 100%.

### **Municipal Water Board Report – Marsha Barton**

The Water Board should have the final draft of the Updated Water Use Law to present to the Town Board for the March meeting. Marsha will get the final draft submitted as soon as possible, so the Town Board has time to review it before the meeting.

Bernier and Carr is still working on the Three Mile Bay Sewer Grant.

The Municipal Water Board is still looking at options for the Extension of Water District #2, along NYS Route 12E. Bernier and Carr is researching any new funding for water, either State or Federal and will notify the Town in the event something becomes available.

Some small improvements have been completed for storage at the Water Facility.

### **Planning Board Report**

**Supervisor Aubertine** stated that the Town Board and Planning Board met for a joint meeting last night. Planning Board Chairman, RJ Schweitzer spoke with Attorney Mark Gebo today. Mr. Gebo indicated that the Town Board ask the Planning Board to make the recommended revisions.

If the Planning Board could meet and make the recommended changes, the Town could send the changes to Mark Gebo for his review and then we could get it back to the Town Board for further action and then get it sent to Jefferson County Planning.

### **Youth Committee Report**

The notes of the last meeting were sent to the Town Board.

**CEO/ZEO Report – Jim Millington**

There was no activity reported by Mr. Millington for the month of January.

**New Business**

***RESOLUTION 2016 – 27: Motion by Councilman Bourquin and seconded by Councilwoman Gosier approving the Lyme Soccer Clubs request to fall under the Town’s umbrella for the necessary insurance coverage for the program. Three ayes. Motion carried.***

***RESOLUTION 2016 – 28: Motion by Councilman Bourquin and seconded by Councilwoman Gosier scheduling a Public Hearing for the 2016 Water Rates at 6:20 p.m. at the Municipal Office located at 12175 NYS Route 12E, Chaumont. It is also RESOLVED that such notice for the Public Hearing will be placed in the Watertown Daily Times. Three ayes. Motion carried.***

***RESOLUTION 2016 – 29: Motion by Councilman Bourquin and seconded by Councilwoman Gosier in the matter of the Amendment of Boundaries with respect to the Town of Lyme Lighting District, in the Town of Lyme, County of Jefferson;***

***WHEREAS a Lighting District was previously created in the Town of Lyme;  
and***

***WHEREAS, the Town Board of the Town of Lyme is in receipt of a map, plan and report with respect to the extension of the Three Mile Bay Lighting District, and***

***WHEREAS, the Town Board has determined that it is in the public interest to proceed with the extension of such District, and;***

***WHEREAS, the Town Board of the Town of Lyme scheduled a Public Hearing for December 9, 2015 at 6:20 p.m. at the Town of Lyme Town Offices, 12175 NYS Route 12E, Chaumont, Jefferson County, New York as the date, time and place where the Town Board met and considered amendments to the boundaries of the Town of Lyme Lighting District; and***

***WHEREAS, a notice for such Public Hearing was duly published and posted as required by law; and***

***WHEREAS, a Public Hearing on the matter was duly held by the Town Board at the time, date and place set forth in the Public Hearing notice, and comments received there at;***

***NOW, THEREFORE, BE IT RESOLVED AND DETERMINED:***

- a) That the Notice of the Public Hearing was published and posted as required by Law;***
- b) That the following properties are currently benefited by the Lighting District, but have not been charged:***

***Tax Map Parcel Numbers:***

***50.00-2-25.1***

***50.00-2-25.2***

***50.00-2-26***

***50.00-2-27.3***

***50.00-2-27.4***

***50.00-2-27.2***

***51.00-1-34***

***51.00-1-36.1***

***51.00-1-36.2***

***51.00-1-36.3***

***51.00-1-36.4***

***61.05-1-23***

***61.05-1-67***

- c) That all property and property owners benefited and are now to be included within the limits of the extended District;***
- d) That it is in the public interest to extend the Lighting District;***

***BE IT RESOLVED AND DETERMINED that the Amendment of the boundaries of the Town of Lyme Lighting District shall be set forth as above and it is further***

**RESOLVED that this Resolution is adopted pursuant to Article 12-a of the Town Law and is therefore subject to Permissive Referendum. Any person wishing to request such referendum must make proper application to the Town Clerk within thirty days of the publishing of this Resolution, and it is further**

**RESOLVED that the Town Clerk is directed to publish a copy of this Order in full in the Official Newspaper of the Town.**

<b>Supervisor Aubertine</b>	<b>Aye</b>
<b>Councilwoman Gosier</b>	<b>Aye</b>
<b>Councilman Bourquin</b>	<b>Aye</b>

**Three ayes and the Motion was carried.**

**RESOLUTION 2016 – 30: Motion by Supervisor Aubertine and seconded by Councilman Bourquin moving the Town Board into Executive Session at 7:30 p.m. to discuss a litigation and personnel matter. Three ayes. Motion carried.**

**RESOLUTION 2016 – 31: Motion by Councilman Bourquin and seconded by Councilwoman Gosier moving the Town Board back into Open Session at 8:25 p.m. Three ayes. Motion carried.**

**RESOLUTION 2016 – 32: Motion by Councilman Bourquin and seconded by Councilwoman Gosier accepting the Assessor's recommendation to settle litigation matters regarding R.G. Joseph's lawsuit. Assessor Chairwoman Marsha Barton will contact Attorney Gebo and notify him of such. Three ayes. Motion carried.**

**RESOLUTION 2016 – 33: Motion by Councilman Bourquin and seconded by Councilwoman Gosier agreeing to hire Jeffrey Barton as a temporary employee at the Transfer Site with a starting wage of \$13.02 per hour. There will be a 90 day probationary period. Three ayes. Motion carried.**

**RESOLUTION 2016 – 34: Motion by Councilman Bourquin and seconded by Councilwoman Gosier approving Marcus Espey to receive the same rate of pay**

***as the senior employee at the Transfer Site, with that rate of pay being \$13.36 per hour. Three ayes. Motion carried.***

***Upon a Motion offered by Councilwoman Gosier and seconded by Councilman Bourquin the Town Board adjourned tonight's meeting at 8:28 p.m. Three ayes. Motion carried.***

***The Minutes of Tonight's meeting are respectfully submitted by,***

***Kim Wallace  
Town Clerk***